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General Assembly

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Sixty-sixth session
Agenda item 109

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Ms. Jacqueline Kemunto **Moseti** (Kenya)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the sixty-sixth session of the General Assembly pursuant to Assembly resolution 65/34 of 6 December 2010.

2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 1st, 2nd, 3rd, 4th, 28th, 29th and 30th meetings, on 3 and 4 October and on 4, 9 and 11 November 2011. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/66/SR.1-4 and 28-30).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 (A/66/37);

(b) Report of the Secretary-General on measures to eliminate international terrorism (A/66/96 and Add.1).

5. . At its 1st meeting, on 3 October, the Sixth Committee established a Working Group to continue to carry out the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210, as contained in resolution 65/34. At the same meeting, the Committee elected Mr. Rohan Perera (Sri Lanka) as Chair of the Working Group. The Working Group held four meetings, on 17 and 19 October and on 1 November. It also held informal consultations on 17 and 19 October.

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6. At the 1st meeting of the Sixth Committee, on 3 October, the Vice-Chair of the Ad Hoc Committee established by General Assembly resolution 51/210 introduced the report of the Ad Hoc Committee (see A/C.6/66/SR.1).

7. At its 28th meeting, on 4 November, the Committee heard an oral report by the Chair of the Working Group on the work of the Working Group and on the results of the informal consultations held during the current session on 17 and 19 October (see A/C.6/66/SR.28).

II. Consideration of draft resolution A/C.6/66/L.25

8. At the 30th meeting, on 11 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/66/L.25) and orally revised operative paragraph 24 by replacing the words "*Decides* to recommend that the Sixth Committee, at the sixty-seventh session of the General Assembly, establish a working group" with the words "*Decides* that the Sixth Committee, at the sixty-seventh session of the General Assembly, will establish a working group".

9. At the same meeting, the Committee adopted draft resolution A/C.6/66/L.25, as orally revised, without a vote (see para. 11).

10. Also at the same meeting, the representatives of the Syrian Arab Republic (on behalf of the Organization of Islamic Cooperation), Cuba, Venezuela (Bolivarian Republic of), Egypt, the Sudan, Iran (Islamic Republic of) and Nicaragua made statements in explanation of position after the adoption of the draft resolution (see A/C.6/66/SR.30).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming, in all its aspects, the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,[1] enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations, and recalling the first and second biennial review of the Strategy, on 4 and 5 September 2008 and on 8 September 2010, respectively, and the debates that were held on those occasions,[2]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[3]

Recalling also the United Nations Millennium Declaration,[4]

Recalling further the 2005 World Summit Outcome,[5] and reaffirming in particular the section on terrorism,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to Assembly resolution 51/210 of 17 December 1996,

Recalling also all General Assembly resolutions on measures to eliminate international terrorism and Security Council resolutions on threats to international peace and security caused by terrorist acts,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373

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[1] Resolution 60/288.

[2] See *Official Records of the General Assembly, Sixty-second Session, Plenary Meetings*, 117th to 120th meetings (A/62/PV.117-120), and corrigendum; and ibid., *Sixty-fourth Session, Plenary Meetings*, 116th and 117th meetings (A/64/PV.116 and 117), and corrigendum.

[3] See resolution 50/6.

[4] See resolution 55/2.

[5] See resolution 60/1.

(2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since,

Reaffirming also its strong condemnation of the atrocious and deliberate attacks that have occurred against United Nations offices in various parts of the world,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and must adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and effectively suppress international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of the African Union, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the

Common Market for Eastern and Southern Africa, the Conference on Interaction and Confidence-building Measures in Asia, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Global Counterterrorism Forum, the Group of Eight, the Intergovernmental Authority on Development, the International Civil Aviation Organization, the International Maritime Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of Islamic Cooperation, the Pacific Islands Forum, the Regional Forum of the Association of Southeast Asian Nations, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of, and adherence to, regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005, 61/40 of 4 December 2006, 62/71 of 6 December 2007, 63/129 of 11 December 2008, 64/118 of 16 December 2009 and 65/34 of 6 December 2010 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, adopted in Sharm el-Sheikh, Egypt, on 16 July 2009,[6] which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed its previous initiative calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,[7] as well as other relevant initiatives,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008, 64/168 of 18 December 2009 and 65/221 of 21 December 2010,

Having examined the report of the Secretary-General,[8] the report of the Ad Hoc Committee[9] and the oral report of the Chair of the Working Group established by the Sixth Committee at the sixty-sixth session of the Assembly,[10]

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[6] A/63/965-S/2009/514, annex.

[7] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[8] A/66/96 and Add.1.

[9] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 37* (A/66/37).

[10] Ibid., *Sixth Committee*, 28th meeting (A/C.6/66/SR.28), and corrigendum.

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Calls upon* all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy,[1] as well as the resolutions relating to the first and second biennial review of the Strategy,[11] in all its aspects at the international, regional, subregional and national levels without delay, including by mobilizing resources and expertise;

3. *Recalls* the pivotal role of the General Assembly in following up the implementation and the updating of the Strategy, looks forward to the third biennial review and in this regard recalls its invitation to the Secretary-General to contribute to the future deliberations of the Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

4. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

5. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (*a*) to (*f*) of General Assembly resolution 51/210;

6. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

7. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

8. *Expresses concern* at the increase in incidents of kidnapping and hostage-taking with demands for ransom and/or political concessions by terrorist groups, and expresses the need to address this issue;

9. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

10. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Council

[11] Resolutions 62/272 and 64/297.

resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

11. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

12. *Recalls* the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism,[12] the Amendment to the Convention on the Physical Protection of Nuclear Material,[13] the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[14] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[15] and urges all States to consider, as a matter of priority, becoming parties to these instruments;

13. *Urges* all States that have not yet done so to consider, as a matter of priority and in accordance with Security Council resolution 1373 (2001) and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[16] the International Convention for the Suppression of the Financing of Terrorism,[17] the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

14. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 13 above;

15. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraphs 12 and 13 of General Assembly resolution 65/34, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

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[12] United Nations, *Treaty Series*, vol. 2445, No. 44004.

[13] Adopted on 8 July 2005 by the Conference to Consider and Adopt Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

[14] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

[15] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[16] United Nations, *Treaty Series*, vol. 2149, No. 37517.

[17] Ibid., vol. 2178, No. 38349.

16. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism[18] and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism,[19] and calls upon all States to implement them;

17. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

18. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

19. *Notes with appreciation* the contribution agreement to launch the United Nations Counter-Terrorism Centre signed between the United Nations and Saudi Arabia on 19 September 2011, established within the Counter-Terrorism Implementation Task Force;

20. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

21. *Welcomes* the current efforts by the Secretariat to prepare the third edition of the publication *International Instruments related to the Prevention and Suppression of International Terrorism* in all official languages;

22. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

23. *Notes* the progress made in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 and of the Working Group established by the Sixth Committee during the sixty-sixth session of the Assembly, and welcomes continuing efforts to that end;

24. *Decides* that the Sixth Committee, at the sixty-seventh session of the General Assembly, will establish a working group with a view to finalizing the draft comprehensive convention on international terrorism and continuing to discuss the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

25. *Also decides* to reconvene the Ad Hoc Committee in 2013, as appropriate, on dates to be decided at the sixty-seventh session of the General Assembly, in order to, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism and continue to discuss the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

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[18] Resolution 49/60, annex.

[19] Resolution 51/210, annex.

26. *Encourages* all Member States to redouble their efforts during the intersessional period towards resolving any outstanding issues;

27. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Measures to eliminate international terrorism".

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Agenda item 121

Revitalization of the work of the General Assembly

Report of the Sixth Committee

Rapporteur: Ms. Jacqueline Kemunto **Moseti** (Kenya)

I. Introduction

1. The item entitled "Revitalization of the work of the General Assembly" was included in the provisional agenda of the sixty-sixth session of the General Assembly pursuant to Assembly resolution 58/316 of 1 July 2004.

2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to allocate the item to all the Main Committees for the sole purpose of considering and taking action on their respective tentative programmes of work for the sixty-seventh session of the General Assembly.

3. The Sixth Committee considered the item at its 30th meeting, on 11 November 2011 (see A/C.6/66/SR.30).

II. Consideration of draft decision A/C.6/66/L.27

4. At the 30th meeting, on 11 November, the Chair introduced a draft decision containing the provisional programme of work of the Committee for the sixty-seventh session of the General Assembly, as proposed by the Bureau (A/C.6/66/L.27).

5. Statements were made by the representatives of Chile (on behalf of the Rio Group), the European Union, Iran (Islamic Republic of) (on behalf of the Movement of Non-Aligned Countries as well as in his national capacity), Tunisia, Sweden and Cuba (see A/C.6/66/SR.30).

6. At the same meeting, the Committee adopted draft decision A/C.6/66/L.27 (see para. 7).

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III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Provisional programme of work of the Sixth Committee for the sixty-seventh session of the General Assembly

The General Assembly notes that the Sixth Committee has decided to adopt the following provisional programme of work for the sixty-seventh session of the General Assembly, as proposed by the Bureau:

Provisional programme of work

8 October	Organization of work of the Sixth Committee
8 and 9 October	Measures to eliminate international terrorism
10 October	The rule of law at the national and international levels
11 October	Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
12 October	Criminal accountability of United Nations officials and experts on mission
15 October	Report of the United Nations Commission on International Trade Law on the work of its forty-fifth session
15 and 16 October	Administration of justice at the United Nations
17 and 18 October	The scope and application of universal jurisdiction
22 October	Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts
	Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives
24 October	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
29 October-7 November	Report of the International Law Commission on the work of its sixty-third[1] and sixty-fourth sessions

[1] Chapter on reservations to treaties.

16 November	Report of the Committee on Relations with the Host Country
	Revitalization of the work of the General Assembly
	Programme planning
	Election of the officers of the Main Committees
19 October and 7 November	Reserved

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Programme planning

Report of the Sixth Committee

Rapporteur: Ms. Jacqueline Kemunto **Moseti** (Kenya)

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item entitled "Programme planning" in its agenda and to allocate it to the Sixth Committee as well as to all the other Main Committees and the plenary of the Assembly to enhance discussion of evaluation, planning, budgeting and monitoring reports.

2. The Sixth Committee considered the item at its 30th meeting, on 11 November 2011 (see A/C.6/66/SR.30). The Committee was informed that no reports were allocated to it under the agenda item.

3. At the same meeting, the Sixth Committee concluded its consideration of the item without taking action.

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Agenda item 143

Administration of justice at the United Nations

Report of the Sixth Committee

Rapporteur: Ms. Jacqueline Kemunto **Moseti** (Kenya)

I. Introduction

1. By its decision 65/513 of 6 December 2010, the General Assembly decided to continue its consideration of the outstanding legal aspects of the administration of justice at the United Nations during its sixty-sixth session in the framework of a working group of the Sixth Committee, and to include in the provisional agenda of its sixty-sixth session the item entitled "Administration of justice at the United Nations".

2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided, in the light of resolution 65/251 and decision 65/513, to include the item in its agenda and to allocate it to the Fifth Committee, and to the Sixth Committee for the purpose of considering the legal aspects of the reports to be submitted in connection with the item.

3. The Sixth Committee considered the item at its 11th, 17th, 25th, 26th and 27th meetings, on 10, 21 and 31 October and on 1 and 2 November 2011. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/66/SR.11, 17 and 25-27).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the amendments to the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (A/66/86 and Add.1);

(b) Report of the Internal Justice Council on the administration of justice at the United Nations (A/66/158);

(c) Report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/66/224);

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(d) Report of the Secretary-General on the administration of justice at the United Nations (A/66/275);

(e) Letter dated 23 September 2011 from the Presidents of the United Nations Appeals Tribunal and the United Nations Dispute Tribunal to the President of the General Assembly (A/66/399);

(f) Letter dated 7 October 2011 from the Secretary-General to the President of the General Assembly transmitting a letter dated 5 October 2011 from the President of the United Nations Dispute Tribunal to the Secretary-General (A/66/507).

5. Pursuant to decision 65/513, the Sixth Committee decided at its 1st meeting, on 3 October 2011, to establish a Working Group on the Administration of Justice at the United Nations, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely the consideration of the legal aspects of the reports to be submitted in connection with the item. At the same meeting, the Committee elected Mr. Kriangsak Kittichaisaree (Thailand) as Chair of the Working Group and decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group held four meetings, on 11, 13 and 19 October 2011.

6. At the 17th meeting of the Sixth Committee, on 21 October, the Chair of the Working Group on the Administration of Justice at the United Nations presented an oral report on the work of the Working Group (see A/C.6/66/SR.17).

7. At the 26th meeting, on 1 November, the Committee decided that its Chair would address a letter to the President of the General Assembly drawing his attention to a number of specific issues relating to the legal aspects of the reports submitted under the item, as discussed in the Sixth Committee. The letter would contain a request that it be brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly.

II. Consideration of proposals

A. Draft resolution A/C.6/66/L.13

8. At the 25th meeting, on 31 October, the representative of Saudi Arabia introduced, on behalf of the Bureau, a draft resolution entitled "Code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal" (A/C.6/66/L.13).

9. At the 27th meeting, on 2 November, the coordinator, the representative of Saudi Arabia, orally revised the draft resolution and its annex as follows:

(a) A new preambular paragraph was inserted after the first preambular paragraph, reading:

> "*Recalling also* the invitation made in relevant resolutions to the Sixth Committee to consider the legal aspects of the administration of justice at the United Nations, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters";

(b) In section 2 (a) of the annex to the draft resolution, the word "bias" was replaced by the word "prejudice".

10. At its 27th meeting, on 2 November, the Committee adopted draft resolution A/C.6/66/L.13, as orally revised, without a vote (see para. 14, draft resolution I).

B. Draft resolution A/C.6/66/L.14

11. At the 25th meeting, on 31 October, the representative of Saudi Arabia, on behalf of the Bureau, introduced a draft resolution entitled "Amendments to the rules of procedure of the United Nations Appeals Tribunal" (A/C.6/66/L.14).

12. At the 27th meeting, on 2 November, the coordinator, the representative of Saudi Arabia, orally revised the draft resolution by adding a second operative paragraph, reading:

> "2. *Decides* not to approve the amendment to the rules of procedure of the United Nations Dispute Tribunal contained in annex I of document A/66/86, adopted on 14 December 2010 in accordance with article 37, paragraph 1, of the rules of procedure of the United Nations Dispute Tribunal, concerning article 19 (Case management)."

13. At its 27th meeting, on 2 November, the Committee adopted draft resolution A/C.6/66/L.14, as orally revised, without a vote (see para. 14, draft resolution II).

III. Recommendations of the Sixth Committee

14. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

The General Assembly,

Recalling its resolution 62/228 of 22 December 2007, in which it decided that the Internal Justice Council should draft a code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, for consideration by the General Assembly,

Recalling also the invitation, made in the relevant resolutions, to the Sixth Committee to consider the legal aspects of the administration of justice at the United Nations, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters,

Having considered the reports of the Internal Justice Council submitted to the General Assembly at its sixty-fifth[1] and sixty-sixth[2] sessions, which contain in the annexes thereto the draft text of a code of conduct for the judges of the Tribunals,

Expressing its appreciation to the Internal Justice Council for preparing the draft code of conduct for the judges,

Approves the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as set out in the annex to the present resolution.

Annex
Code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

Preamble

Whereas the Charter of the United Nations affirms, inter alia, the determination of Member States to establish conditions under which justice can be maintained to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without any discrimination,

Whereas the Universal Declaration of Human Rights recognizes as fundamental the principle that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations,

Whereas this right is endorsed and elaborated upon in a range of important international human rights instruments, including the International Covenant on Civil and Political Rights,

[1] A/65/86.
[2] A/66/158.

Whereas the General Assembly, in paragraph 4 of its resolution 61/261 of 4 April 2007, decided to establish an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike,

Whereas the fair resolution of employment grievances will contribute to efficiency in the work carried out by the United Nations and enhance the integrity of the Organization,

Whereas public confidence in the internal justice system and in the moral authority and integrity of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal is of the utmost importance within the working environment of the United Nations,

Whereas it is essential that judges, individually and collectively, respect and honour judicial office as a public trust, and strive to enhance and maintain confidence in the internal justice system,

And whereas the Basic Principles on the Independence of the Judiciary are designed to secure and promote the independence of judicial bodies, and can provide guidance for the internal administration of justice,

The following values and principles are adopted to establish standards for the conduct of the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, to provide guidance to those judges and also to assist the staff and management of the United Nations to better understand and support the work of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal within the United Nations:

1. Independence

(a) Judges must uphold the independence and integrity of the internal justice system of the United Nations and must act independently in the performance of their duties, free of any inappropriate influences, inducements, pressures or threats from any party or quarter;

(b) In order to protect the institutional independence of the Tribunals, judges must take all reasonable steps to ensure that no person, party, institution or State interferes, directly or indirectly, with the Tribunals;

2. Impartiality

(a) Judges must act without fear, favour, or prejudice in all matters that they adjudicate;

(b) Judges must ensure that their conduct at all times maintains the confidence of all in the impartiality of the Tribunals;

(c) Judges must recuse themselves from a case if:

(i) They have a conflict of interest;

(ii) It may reasonably appear to a properly informed person that they have a conflict of interest;

(iii) They have personal knowledge of disputed evidentiary facts concerning the proceedings;

(d) Judges must not recuse themselves on insubstantial grounds. Judges must provide reasons when they decide an application for recusal;

(e) Judges must disclose to the parties in good time any matter that could reasonably be perceived to give rise to an application for recusal in a particular matter;

(f) Judges must not participate in the determination of a case in which any member of their family is a litigant or represents a litigant, or in the outcome of which any member of their family has a significant interest;

(g) In order to determine whether they should recuse themselves from any matter, judges must be aware of their personal and fiduciary financial interests and shall, as far as reasonably possible, make efforts to be informed about the financial interests of members of their immediate family;

(h) (i) Judges must not directly or indirectly negotiate or accept any remuneration, income, compensation, gift, advantage or privilege that is incompatible with judicial office or that can reasonably be perceived either as a reward or as likely to influence them in favour of a particular party;

(ii) Judges may receive a token gift, decoration, award or benefit that does not result in the incompatibility or reasonable perception referred to in subparagraph (h) (i) above;

(i) Judges must not engage in financial, political or business dealings or activities, including fund-raising activities, that are inconsistent with, and reflect adversely upon, the independence and impartiality required by their status as judges, that may reasonably be perceived to exploit the judge's judicial position, or that are in any other way incompatible with judicial office in the United Nations;

3. Integrity

(a) Judges must be of high moral character and always, and not only in the discharge of their duties, act honourably and in accordance with the values and principles set out in the present Code;

(b) Judges at all times, including periods when they are not on official business, must comply with the law of the country in which they live, work or visit;

(c) Judges must inform the presiding judge of their Tribunal should they suffer from an illness or other condition that might threaten the performance of their duties;

4. Propriety

(a) Judges must exhibit and promote high standards of judicial conduct to reinforce confidence in the integrity of the administration of justice at the United Nations;

(b) Save in the discharge of judicial office, judges must not comment publicly on the merits of any case pending before the Tribunals or make any

comment that might reasonably be expected to affect the outcome of such proceedings or impair the manifest fairness of the process;

(c) Judges are bound by professional duties of confidentiality with regard to deliberations with judicial colleagues and confidential information acquired in the course of their duties;

(d) Judges, like other citizens, are entitled to freedom of expression, belief, association and assembly, but must exercise these freedoms with due regard to the values and principles set out in the present Code;

(e) Judges must not use or lend the prestige of judicial office to advance the private interests of the judge, a member of the judge's family or anyone else, nor shall judges convey the impression that anyone is in a position to influence them improperly;

(f) In their personal relations with individual staff members who are parties, legal representatives and others who appear regularly in the Tribunal presided over by them, judges must avoid situations which might give rise to the reasonable apprehension of favouritism or partiality;

(g) Full-time judges of the United Nations Dispute Tribunal must not practise law, but may give informal advice to family members, friends, charitable organizations and the like without remuneration;

(h) Judges should use their best endeavours to foster collegiality in the Tribunals. In so doing they must act courteously and respect the dignity of others, including members of the Tribunal staff;

(i) Judges may form or join associations of judges;

(j) Subject to the proper and effective performance of judicial duties, a judge may engage in any lawful activity as long as it does not bring the judicial office in the United Nations into disrepute in the mind of reasonable members of the community;

5. Transparency

Judges must observe the principle of open justice, namely that justice must be seen to be done, and take reasonable steps to ensure that this principle is honoured in the manner in which cases before the Tribunals are handled;

6. Fairness in the conduct of proceedings

(a) Judges must resolve disputes by making findings of fact and applying the appropriate law in fair proceedings. This includes the duty to:

(i) Observe the letter and spirit of the *audi alteram partem* ("hear the other side") rule;

(ii) Remain manifestly impartial;

(iii) Publish reasons for any decision;

(b) Judges must not conduct themselves in a manner that is racist, sexist or otherwise discriminatory. They must uphold and respect the principles set out in the Charter of the United Nations, the Universal Declaration of Human Rights and the

International Covenant on Civil and Political Rights. Judges must not by word or conduct unfairly discriminate against any individual or group of individuals, or abuse the power and authority vested in them;

(c) Judges must not permit Tribunal staff or legal representatives appearing before the Tribunals, or others under their direction or control, to act in a manner that is racist, sexist or otherwise discriminatory;

(d) Judges have a duty to protect witnesses and parties from harassment and bullying during Tribunal proceedings;

(e) When conducting judicial proceedings, judges must act courteously to legal representatives, parties, witnesses, Tribunal staff, judicial colleagues and the public, and require them to act courteously;

7. Competence and diligence

(a) Judges must perform all assigned judicial duties, including tasks relevant to the judicial office or the operation of the Tribunals, diligently and dispose of judicial work promptly in an efficient and professional manner;

(b) Judges must give judgement or rulings in a case promptly. Judgements should be given no later than three months from the end of the hearing or the close of pleadings or, in the case of the United Nations Appeals Tribunal, from the end of the session in which the matter is decided, unless there are exceptional circumstances;

(c) Judges must cooperate with any formal inquiry into their conduct in office;

(d) Judges must not engage in conduct that is prejudicial to the effective and expeditious administration of justice or the work of the Tribunal;

(e) When engaged in the administration of justice, judges must attend chambers during their normal working hours, as determined by the members of the Tribunal, and attend hearings and deliberations of the Tribunal during stipulated hours, unless they have a good reason not to do so. Judges must inform the presiding judge of the Tribunal in advance if they need to be absent. If they are to be absent for longer than three days, they must obtain the approval of the presiding judge of their Tribunal;

(f) Judges must respect and comply with the reasonable administrative requests of the presiding judge of the Tribunal of which they are members;

(g) Judges must take reasonable steps to maintain the necessary level of professional competence and to keep themselves informed about relevant developments in international administrative and employment law, as well as international human rights norms;

(h) Judges' judicial duties must take precedence over other duties and activities.

Draft resolution II
Amendments to the rules of procedure of the United Nations Appeals Tribunal

The General Assembly,

Recalling its resolution 63/253 of 24 December 2008, in which it adopted the statutes of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as set out in annexes I and II to that resolution,

Recalling also article 7, paragraph 1, of the statute of the United Nations Dispute Tribunal and article 6, paragraph 1, of the statute of the United Nations Appeals Tribunal,

Recalling further article 37, paragraphs 1 and 2, of the rules of procedure of the United Nations Dispute Tribunal,[1] as well as article 32, paragraphs 1 and 2, of the rules of procedure of the United Nations Appeals Tribunal,[2]

Having considered the report of the Secretary-General,[3]

1. *Approves* the amendments to the rules of procedure of the United Nations Appeals Tribunal, as set out in the annex to the present resolution;

2. *Decides* not to approve the amendment to article 19 (Case management) of the rules of procedure of the United Nations Dispute Tribunal contained in annex I of document A/66/86 and adopted by the Tribunal on 14 December 2010 in accordance with article 37, paragraph 1, of the rules of procedure.

Annex
Amendments to the rules of procedure of the United Nations Appeals Tribunal

Article 4
Panels

2. When the President or any two judges sitting on a particular case consider that the case so warrants, the case shall be heard by the whole Appeals Tribunal. If there is a tie in the voting by the judges of the whole Appeals Tribunal, the President shall have a casting vote.

Article 9
Answers, cross-appeals and answers to cross-appeals

4. Within 45 days of notification of the appeal, a party answering the appeal may file a cross-appeal, accompanied by a brief which shall not exceed 15 pages, with the Appeals Tribunal stating the relief sought and the grounds of the cross-appeal. The cross-appeal may not add new claims.

6. The provisions of article 9.1 to 9.3 and 9.5 apply, mutatis mutandis, to a cross-appeal and answer to a cross-appeal.

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[1] Resolution 64/119, annex I.

[2] Ibid., annex II.

[3] A/66/86 and Add.1.

Article 18 *bis*
Case management

1. The President may, at any time, either on a motion of a party or of his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties.

2. If, before the opening date of the session during which the case is to be considered, the appellant informs the Appeals Tribunal, in writing, with notice to the respondent, that he or she wishes to discontinue the proceedings, the President may order the case to be removed from the register.

3. If an action has become devoid of purpose and there is no longer any need to adjudicate it, the President may, at any time, of his or her own volition, after having informed the parties of that intention and, if applicable, received their observations, adopt a reasoned order.

4. The President may designate a judge or a panel of judges to issue any order within the purview of the present article.

Article 19
Adoption and issuance of judgements

2. Judgements shall be issued in writing and shall state the reasons, facts and law on which they are based. Summary judgements may be issued at any time, even when the Appeals Tribunal is not in session. They shall be adopted by panels of three judges designated by the President.

United Nations A/66/482

General Assembly

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Sixty-sixth session
Agenda item 166

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Ms. Jacqueline Kemunto **Moseti** (Kenya)

I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the sixty-sixth session of the General Assembly pursuant to Assembly resolution 65/35 of 6 December 2010.

2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 30th meeting, on 11 November 2011. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/66/SR.30).

4. For its consideration of the item, the Committee had before it the report of the Committee on Relations with the Host Country (A/66/26).

5. At the 30th meeting, on 11 November, the Chair of the Committee on Relations with the Host Country introduced the report of that Committee (see A/C.6/66/SR.30).

II. Consideration of draft resolution A/C.6/66/L.23

6. At the 30th meeting, on 11 November, the representative of Cyprus, on behalf of Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/66/L.23).

7. At the same meeting, the Committee adopted draft resolution A/C.6/66/L.23 without a vote (see para. 8).

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III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[1]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[2] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 39 of its report;[1]

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance, are in the interest of the United Nations and all Member States, and requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions; and urges the host country to continue to take appropriate action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities and if violations occur to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

3. *Notes* the problems experienced by some permanent missions in connection with the implementation of the Parking Programme for Diplomatic Vehicles,[4] and notes that the Committee shall remain seized of the matter, with a view to continuing to maintain the proper implementation of the Parking Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

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[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 26* (A/66/26).

[2] Resolution 22 A (I).

[3] See resolution 169 (II).

[4] A/AC.154/355, annex.

4. *Requests* the host country to consider removing the remaining travel restrictions imposed by it on staff of certain missions and staff members of the Secretariat of certain nationalities, and in this regard notes the long-standing positions of affected States, of the Secretary-General and of the host country;

5. *Notes* the concerns expressed by some delegations concerning the denial and delay of entry visas to representatives of Member States;

6. *Also notes* that the Committee anticipates that the host country will continue to enhance its efforts to ensure the issuance of entry visas, in a timely manner, to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] to travel to New York on United Nations business, and that the Committee anticipates that the host country will continue to enhance efforts, including visa issuance, to facilitate the participation of representatives of Member States in other United Nations meetings, as appropriate;

7. *Further notes* that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings;

8. *Notes* the concerns over the decision by JPMorgan Chase Bank to close all bank accounts held by Permanent Missions to the United Nations by 31 March 2011, and welcomes the efforts of the host country to facilitate the opening of bank accounts for permanent missions with other financial institutions;

9. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

10. *Affirms* the importance of the Committee being in a position to fulfil its mandate and meet on short notice to deal with urgent and important matters concerning the relations between the United Nations and the host country, and in that connection requests the Secretariat and the Committee on Conferences to accord priority to requests from the Committee on Relations with the Host Country for conference-servicing facilities for meetings of that Committee that must be held while the General Assembly and its Main Committees are meeting, without prejudice to the requirements of those bodies and on an "as available" basis;

11. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

12. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

13. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Report of the Committee on Relations with the Host Country".

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Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly

Report of the Sixth Committee

Rapporteur: Ms. Jacqueline Kemunto **Moseti** (Kenya)

I. Introduction

1. The item entitled "Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly" was included in the agenda of the sixty-sixth session of the General Assembly at the request of Azerbaijan, Kazakhstan, Kyrgyzstan and Turkey.

2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 4th, 16th and 29th meetings, on 4 and 18 October and on 9 November 2011. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/66/SR.4, 16 and 29).

4. For its consideration of the item, the Committee had before it a letter dated 2 May 2011 from the Permanent Representatives of Azerbaijan, Kazakhstan, Kyrgyzstan and Turkey to the United Nations addressed to the Secretary-General (A/66/141).

II. Consideration of proposals

5. At the 4th meeting, on 4 October, the representative of Turkey, on behalf of Azerbaijan, Kazakhstan, Kyrgyzstan and Turkey, introduced a draft resolution entitled "Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly" (A/C.6/66/L.2), which read:

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"*The General Assembly*,

Wishing to promote cooperation between the United Nations and the Cooperation Council of Turkic-speaking States,

1. *Decides* to invite the Cooperation Council of Turkic-speaking States to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution."

6. At the 29th meeting, on 9 November, the representative of Turkey, on behalf of the sponsors of the draft resolution proposed that the Committee defer a decision on the request for observer status for the Cooperation Council of Turkic-speaking States in the General Assembly to the sixty-seventh session of the Assembly.

7. At the same meeting, the Committee adopted a draft decision without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly

The General Assembly, on the recommendation of the Sixth Committee, decides to defer a decision on the request for observer status for the Cooperation Council of Turkic-speaking States in the General Assembly[1] to the sixty-seventh session of the Assembly.

[1] See A/66/141.